

Applicants: Jingrong Cao et al.
Application No.: 10/696,862

REMARKS

The Claim Amendments

Claim 1 has been amended such that R⁴ cannot be a carboxylic ester. Support for this amendment is in claim 1 as originally filed.

Claims 1 and 54 have been amended such that the optional substituents on various groups are defined. Support for this amendment is in paragraphs [0047] to [0049] on pages 20-21 of the specification.

Claims 6, 30, and 32 have been canceled.

Claims 27, 37, 42, 44, and 45 have been amended to conform the scope of these claims to that of claim 1. Support for these amendments is in the claims as originally filed.

Claim 54 has been amended and new claim 57 has been added to additionally recite glaucoma as a disease or disorder that can be treated by the compounds or compositions of the invention. Support for this amendment and new claim is found in the specification in paragraph [00144] on page 103.

No new matter has been added. Their entry is requested

The Response

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 6 35 U.S.C. § 112, second paragraph for allegedly failing to particularly point out and distinctly claim the subject matter. In particular, the Examiner asserts that the scope of claim 6 is broader than that of antecedent base claim 1. Claim 6 has been canceled, thus obviating the rejection.

Rejection under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1, 4, 6, 14, 16, 18, 20, 23-27, 30, 32, 34-36, and 46 under 35 U.S.C. § 102(e) as allegedly being anticipated by Lee et al., U.S. Patent Application No. 2004014740 (hereafter, “the ‘740 application”). In particular, the

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Examiner asserts that compounds **r** and **v** on pages 19 and 20 of the '740 application anticipate the instant claims. Applicants have amended claim 1 and claims dependent thereon such that R⁴ of the compounds of the invention cannot be a carboxylic ester. Since the compounds of the '740 application have a carboxylic ester at the position corresponding to R⁴, this rejection has been obviated. Accordingly, applicants respectfully request that the Examiner withdraw the rejection of 1, 4, 6, 14, 16, 18, 20, 23-27, 30, 32, 34-36, and 46 under 35 U.S.C. § 102(e).

Rejection under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 4, 6, 14, 16, 18, 20, 23-27, 30, 32, 34-36, and 46 under 35 U.S.C. § 103(a) for allegedly being obvious in view of the '740 application. In particular, the Examiner asserts that the compounds of the '740 application generically embrace the compounds of the instant invention. As discussed above, the compounds of the amended claims do not have the carboxylic ester moiety that is required by the compounds and formulae of the '740 application. In addition, out of the 33 compounds in the '740 application for which biological data were presented, there is only one example of a compound that has a pyridine ring attached at the 4-position to a 5-membered heteroaryl ring, as required by the present invention. Further, the '740 application describes compounds that have anthelmintic or insecticidal activity, whereas the compounds of the present invention are kinase inhibitors useful for the treatment of glaucoma, Alzheimer's disease, an allergy, asthma, or diabetes. Therefore, the compounds of the invention are not suggested by the '740 application, nor would one skilled in the art be motivated by the '740 application to prepare them for their intended use. Accordingly, applicants respectfully request that the Examiner withdraw the rejection of claims 1, 4, 6, 14, 16, 18, 20, 23-27, 30, 32, 34-36, and 46 under 35 U.S.C. § 103(a).

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Conclusion

Applicants request that the Examiner enter the above amendments, consider the accompanying arguments, and allow the claims to pass to issue. Should the Examiner deem expedient a telephone discussion to further the prosecution of the above application, applicants request that the undersigned be contacted at the Examiner's convenience.

Respectfully submitted,

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